

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/16/2009 has been entered.

Notice of Amendment

2. In response to the amendment filed on 02/16/2009, amended claim(s) 32 is/are acknowledged.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Becker on 04/06/09.

The application has been amended as follows:

Claims 1-31 should read: **(Cancelled)**.

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Claim 32 should read:

32. A system for stimulating pelvic muscles and/or nerves in a mammal, comprising:

a portable probe unit, said probe unit comprising a substantially cylindrical body having a substantially smooth and substantially sealed outer surface with a rounded end and so dimensioned as to permit comfortable and repeated insertion into, removal from, and containment entirely within a mammal's vagina; substantially annular means substantially flush with the outer surface of the body of the probe unit and adapted to deliver electrical pulses; a programmable microprocessor; memory; a battery; and two-way communication means with antenna and adapted to both transmit signals to a controller unit and receive signals from said controller unit wirelessly and in real time; and

[a] the controller unit comprising two-way communication means adapted to both receive signals from said probe unit and transmit signals to said probe unit wirelessly and in real time, wherein said signals to said probe unit comprise control and programming signals[, **comprising a feedback loop,**] **acting as a feedback loop** configured to start, stop, and/or alter the activity of the annular means of the probe unit, either automatically or manually, for stimulating pelvic muscles and/or nerves in a mammal.

Claim 73 should read: **(Cancelled)**.

Claim 74 should read:

74. A system according to claim **[73] 32**, wherein said means of said controller unit for wirelessly altering integrates a battery, transceiver, antenna, memory and a microprocessor.

Claim 76 should read: **(Cancelled)**.

Claim 77 should read:

77. A system according to claim 32, wherein said controller unit also includes, integrated with said two-way communication means, a programmable microprocessor, battery and antenna[, **wherein an interactive or closed wireless signal feedback loop is provided within said probe unit and between said controller unit and said probe unit in real time during operation of said system**].

Claims 80-87 should read: **(Cancelled)**.

Allowable Subject Matter

4. Claims 32-47 and 74-79 are allowed.
5. The following is an examiner's statement of reasons for allowance: the prior art does not disclose, teach, and/or fairly suggest a system, comprising *inter alia*: a portable probe dimensioned to permit comfortable and repeated insertion and removal into and from a mammal's vagina and comprising annular electrical pulse delivering

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means, a programmable microprocessor, a memory, a battery, and two-way communication configured to send and receive signals wirelessly and in real time to a controller unit; the controller unit comprising two way communication means for sending and receiving signals to and from the probe wirelessly and in real time, wherein the signals comprise control and programming signals acting as a feedback loop configured to start, stop and/or alter the electrical pulse activity in order to stimulate pelvic muscles and/or nerves in a mammal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Election/Restrictions

6. Claims 32-37, 41-43, and 46-47 are allowable. The restriction requirement among species, as set forth in the Office action mailed on 12/20/2007, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 38-40, 44, and 45, directed to an allowable apparatus are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is

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anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY G. HOEKSTRA whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey G Hoekstra/
Examiner, Art Unit 3736

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736